

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION'S
Regular Meeting
January 12, 2005**

I. Call to Order

Chairman Cashman called the meeting to order at 9:00 A.M. Commissioners Mendoza, Cleary and Brett were on line via teleconference call. Commissioner Jenkins joined the meeting at 9:10 A.M. Staff members present were Messrs. Garfield, Lenge, Zepka, Smith, Crayton, Oyola, Ly, Ms. Kulmacz, Ms. Haqq and Ms. Blackburn.

II. Approval of the December 15, 2005 Regular Meeting

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to approve the minutes of the December 15, 2004 regular meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. Consideration of Hearing Officer's Report
Complaint by Veronica Musca & Sharon Vecchiolla, Greenwich
Registrars of Voters
File No. 2004-174
Respondents: Gerald J. Porricelli, Marianne Poricelli &
Melissa Porricelli
Hearing Officer: Commissioner Santa Mendoza

Commissioner Mendoza conducted a hearing in the above referenced matter on December 14, 2004 and prepared the Hearing Officer's report for the Commission's consideration. The Respondents have been sent notice of this meeting however they are not present today. The Complainants submitted a statement that was provided to the Commission.

Commissioner Mendoza stated that this was a highly unusual case. She summarized the facts presented at the hearing. She said that she found no violation of law on the part of the Respondents and recommended that the matter be dismissed.

Attorney Smith presented a statement summarizing the reasons that he respectfully disagreed with the Hearing Officer's report.

Following a discussion by Commission, it was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the Hearing

Officer's Report in File No. 2004-174 as a Final Decision. So voted. A copy of the Final Decision is attached and incorporated herein as part of these minutes.

2. Complaint of Olivia Almagro-Johnson, Hartford

File No. 2004-176

Respondent: Olivia Resta

Investigator: Gilberto Oyola, Lead Legal Investigator

Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Resta has signed the proposed Consent Agreement and Mr. Lenge recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2004-176. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. Complaint of Marjorie L. Roach, Coventry

Proposed Consent Agreement and Order

File No. 2004-255

Respondent: Blanche Strater

Investigator: Attorney William B. Smith

Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Strater has signed the proposed Consent Agreement and Order and Mr. Lenge recommended its adoption.

It was moved by Commissioner Cleary and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order in File No. 2004-255. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. Complaint of Diana Hotchkiss, Wallingford

Proposed Findings and Conclusions

File No. 2004-278

Proposed Findings and Conclusions

Investigator: Gilberto Oyola, Lead Legal Investigator

Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2004-278. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

5. Complaint of Mark S. Robinson, Ridgefield
File No. 2004-281
Proposed Consent Agreement and Order
Respondent: Thomas F. Reynolds
Investigators: Gilberto Oyola, Lead Legal Investigator &
Dianna J. Kulmacz, Associate Accounts Examiner
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. Respondent Reynolds has signed the proposed Consent Agreement and Order and has paid the civil penalty of \$400.

It was moved by Commissioner Cleary and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order in File No. 2004-281. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

6. Complaint of John D. Conroy, Jr., Seymour
File No. 2004-283
Proposed Consent Agreement and Order
Respondent: Anthony J. Botticello
Investigators: Attorney William B. Smith &
Dara M. Haqq, Associate Accounts Examiner
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. Respondent Botticello has signed the proposed Consent Agreement and Order and has paid the civil penalty of \$750.

It was moved by Commissioner Mendoza and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-283. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

7. Complaint of Judith A. Sartucci, Rocky Hill
File No. 2004-366
Proposed Findings and Conclusions
Investigator: Attorney William Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-366. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

8. Compliant of Joyce P. Mascena, Town Clerk, Glastonbury
File No. 2004-369
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Attorney Crayton summarized the above captioned complaint and his investigation.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-369. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 9:55 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 9 through 16 on the agenda. So voted. Present were Commissioners Cashman and Jenkins. On line were Commissioners Mendoza, Cleary and Brett. Staff members present were Messrs. Garfield, Lenge, Zepka, Smith, Crayton, Oyola, Ly, Ms. Kulmacz, Ms. Haqq and M. Blackburn.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to return to public session at 10:37. So voted.

The Commission returned to Public Session and took the following action:

9. Complaint of Salvatore A. Bramante, Hartford
File No. 2004-168
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to authorize the issuance of an investigatory subpoena to Mr. Luis Rodrigues-Davila to answer questions concerning the above referenced complaint. So voted.

This matter was continued.

10. Complaints of Olga Aviles, Hartford
File No. 2004-203
Investigators: Attorney Marc W. Crayton &
Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Albert P. Lenge

This matter was continued.

11. In Re: Norwalk Registrars of Voters
File No. 2004-260
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

This matter was continued.

12. Complaint of Michael P. Mullin, Salem
File No. 2004-293
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter was continued.

13. Complaint of Francis O. Knipple & Janis K. Murtha, South Windsor
File No. 2004-296
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

14. Complaint of Jonathan J. Klein, Bridgeport
File No. 2004-297
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Albert P. Lenge

This matter was continued.

15. Complaints of Pamela W. Walters, Bloomfield
File Nos. 2004-299 A, B, & C
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter was continued.

**IV. Designation of Hearing Officer
Referral by the Office of the Secretary of the State**

File No. 2004-318NF
Committee: Elizabeth es Mejor
Respondent: Kathleen Serrano, Treasurer
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent Kathleen Serrano violated Section 9-333j and 9-333y of the Connecticut General Statutes

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary that the Commission finds reason to believe that Respondent Kathleen Serrano violated Sections 9-333j and 9-333y of the Connecticut General Statutes and that

a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Chairman Cashman asked for a volunteer for the above referenced matter. Attorney Lenge volunteered and Chairman Cashman designated him as Hearing Officer.

V. *Discussion of Legislative Recommendations*

Mr. Garfield stated that following a long and productive discussion at the last meeting, the Commission agreed to submit *An Act Concerning Comprehensive Reform of the Campaign Finance Laws and An Act Concerning the Prevention of Absentee Voting Violations and Imposing Greater Accountability for Compliance* bills. The Governor has made her proposals to the General Assembly and many of them are similar to those proposed by the Commission. He hoped that common ground could be reached between the Governor and the General Assembly.

Mr. Garfield stated that the Commission has before them a draft of the sanctions bill for their review based on the discussion at the last meeting. The draft bill includes strengthening criminal penalties currently applicable to fraudulent voting and voter registration to make them consistent with absentee voting violations. It increases late filing penalties for campaign finance reports and authorizes this Commission to impose civil penalties for certain violations. The bill also authorizes the Commission's oversight of the voter registration lists compiled by registrars of voters.

After the full explanation of the bill, the Commission agreed to submit it to the General Assembly. It is entitled *An Act to Increase Sanctions and Penalties for Violations of State Election Laws*.

VI. *Adjournment*

It was moved by Commissioner Brett and seconded by Commissioner Jenkins to adjourn the meeting at 10:55 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, February 16, 2005 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission